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16 GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

17 ORACLE AMERICA, INC.,

Plaintiff,

18 v.
19

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF MATT CUTTS IN
RESPONSE TO DECLARATION OF
FRED NORTON**

Judge: Hon. Donna M. Ryu

Date Comp. Filed: October 27, 2010

Trial Date: October 31, 2011

1 I, Matt Cutts, state:

2 1. I am employed by Defendant Google Inc. (“Google”) as a Software Engineer. I
3 submit this declaration to provide factual background regarding Google’s search process and
4 display. This declaration responds to the Declaration of Fred Norton in support of Oracle’s
5 motion to compel production of the August 6, 2010 email of Tim Lindholm and drafts thereof.

6 2. I have knowledge of the facts set forth herein, and if called to testify as a witness
7 thereto could do so competently under oath.

8 3. The Norton Declaration states that “Google itself continues to make the contents
9 of the Lindholm Document widely available.” Norton Decl. ¶ 47. As support for this assertion,
10 the Declaration describes and includes as exhibits the purported results of a Google search query
11 for language quoted from the “Lindholm Document.” Norton Decl. ¶ 47 & Exs. O-P.

12 4. Google’s search engine “crawls” the web, indexes websites, and identifies
13 matches in response to user queries. Google then extracts excerpts from those web pages and
14 presents the excerpts on the user’s computer screen to describe the search results.

15 5. Google’s automated search process merely pulls from its database and presents to
16 the user information about web pages created by third parties that contain the search terms
17 chosen by the user. Google cannot and does not control the content of third-party web pages.
18 Google tries to return relevant web pages as determined by an algorithm, but cannot make any
19 promises as to the truthfulness or accuracy of the information.

20 6. Google blocks web pages from appearing in its results under very limited
21 circumstances, such as: the content is gone from the web, the website’s owner indicates that the
22 content should not be indexed, the content poses risk to security (such as disclosure of highly
23 sensitive personal information like credit card numbers), the webmaster is violating our
24 Webmaster Guidelines or “spamming” our search results, or we are notified that the content
25 violates applicable law (such as via a court order or a notification under the Digital Millennium
26 Copyright Act). As described in the Norton Declaration, none of the third-party web pages
27 referencing the Lindholm email fall into any of these categories.

28

7. Thus, it is inaccurate for Mr. Norton to assert that “Google itself . . . make[s] . . . available” the contents of the Lindholm email.

I declare under penalty of perjury that the foregoing facts are true and correct and that
this declaration was executed at Mountain View, California on August 18, 2011.

By: M. Cutts
Matt Cutts